

## MILITARY SERVICE

*Exchange of notes at Washington March 31, October 6, and December 23, 1942, and January 16, 1943*

*Entered into force December 24, 1942*

*Terminated March 31, 1947*<sup>1</sup>

57 Stat. 949; Executive Agreement Series 319

*The Acting Secretary of State to the Norwegian Minister*

DEPARTMENT OF STATE

WASHINGTON

*March 31, 1942*

SIR:

I have the honor to refer to your note dated January 22, 1942 and conversations which have taken place between the officers of the Norwegian Legation and of the Department with respect to the application of the United States Selective Training and Service Act of 1940,<sup>2</sup> as amended, to Norwegian subjects residing in the United States.

As you are aware, the Act provides that with certain exceptions every male citizen of the United States and every other male person residing in the United States between the ages of eighteen and sixty-five shall register. The Act further provides that, with certain exceptions, registrants within specified age limits are liable for active military service in the United States armed forces.

This Government recognizes that from the standpoint of morale of the individuals concerned and the over-all military effort of the countries at war with the Axis Powers, it would be desirable to permit certain classes of individuals who have registered or who may register under the Selective Training and Service Act of 1940, as amended, to enlist in the armed forces of a cobelligerent country, should they desire to do so. It will be recalled that during the World War this Government signed conventions with certain associated powers on this subject. The United States Government believes, however, that under existing circumstances the same ends may now be accomplished through administrative action, thus obviating the delays incident to the signing and ratification of conventions.

<sup>1</sup> Upon termination of functions of U.S. Selective Service System (60 Stat. 341).

<sup>2</sup> 54 Stat. 885.

This Government is prepared, therefore, to initiate a procedure which will permit aliens who have registered under the Selective Training and Service Act of 1940, as amended, who are nationals of cobelligerent countries and who have not declared their intention of becoming American citizens to elect to serve in the forces of their respective countries, in lieu of service in the armed forces of the United States, at any time prior to their induction into the armed forces of this country. Individuals who so elect will be physically examined by the armed forces of the United States, and if found physically qualified, the results of such examinations will be forwarded to the proper authorities of the cobelligerent nation for determination of acceptability. Upon receipt of notification that an individual is acceptable and also receipt of the necessary travel and meal vouchers from the cobelligerent government involved, the appropriate State Director of the Selective Service System will direct the local Selective Service Board having jurisdiction in the case to send the individual to a designated reception point for induction into active service in the armed forces of the cobelligerent country. If upon arrival it is found that the individual is not acceptable to the armed forces of the cobelligerent country, he shall be liable for immediate induction into the armed forces of the United States.

Before the above-mentioned procedure will be made effective with respect to a cobelligerent country, this Department wishes to receive from the diplomatic representative in Washington of that country a note stating that his government desires to avail itself of the procedure and in so doing agrees that:

(a) No threat or compulsion of any nature will be exercised by his government to induce any person in the United States to enlist in the forces of any foreign government;

(b) Reciprocal treatment will be granted to American citizens by his government; that is, prior to induction in the armed forces of his government they will be granted the opportunity of electing to serve in the armed forces of the United States in substantially the same manner as outlined above. Furthermore, his government shall agree to inform all American citizens serving in its armed forces or former American citizens who may have lost their citizenship as a result of having taken an oath of allegiance on enlistment in such armed forces and who are now serving in those forces that they may transfer to the armed forces of the United States provided they desire to do so and provided they are acceptable to the armed forces of the United States. The arrangements for effecting such transfers are to be worked out by the appropriate representatives of the armed forces of the respective governments.

(c) No enlistments will be accepted in the United States by his government of American citizens subject to registration or of aliens of any national-

ity who have declared their intention of becoming American citizens and are subject to registration.

This Government is prepared to make the proposed regime effective immediately with respect to the Kingdom of Norway upon the receipt from you of a note stating that your Government desires to participate in it and agrees to the stipulations set forth in lettered paragraphs (a), (b), and (c) above.

Accept, Sir, the renewed assurances of my highest consideration.

SUMNER WELLES  
*Acting Secretary of State*

The Honorable  
WILHELM MUNTHE DE MORGENSTIERNE,  
*Minister of Norway.*

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*The Secretary of State to the Norwegian Ambassador*

DEPARTMENT OF STATE  
WASHINGTON  
*October 6, 1942*

EXCELLENCY:

I have the honor to refer to the Department's note of March 31, 1942 and to your note of August 21, 1942, concerning the proposed arrangement regarding the services of nationals of one country in the armed forces of the other country. In the Department's note of September 24, 1942 it was stated that consideration was being given by the appropriate authorities of this Government to the question of the transfer from the United States forces to their own forces of nondeclarant nationals of co-belligerent countries with which reciprocal induction arrangements have been concluded.

The necessary arrangements have now been made, and the War Department is prepared to discharge, for the purpose of transferring to the armed forces of their own country, nondeclarant Norwegian nationals serving in the United States forces, as soon as the proposed reciprocal induction agreement with Norway becomes effective.

Accept, Excellency, the renewed assurances of my highest consideration.

For the Secretary of State:  
G. HOWLAND SHAW

His Excellency  
WILHELM MUNTHE DE MORGENSTIERNE,  
*Ambassador of Norway.*

*The Norwegian Ambassador to the Secretary of State*

NORWEGIAN EMBASSY  
WASHINGTON, D.C.

DECEMBER 23, 1942.

EXCELLENCY:

I have the honour to refer to your note marked 811.2222 (1940) 1485, of September 24, 1942, concerning a proposed arrangement regarding the service of nationals of one country in the armed forces of the other country.

In this note you point out that the proposal outlined in your note of March 31, 1942, constitutes the most liberal regime which your Government can enter into consistent with existing laws of the United States and with practical considerations.

In my notes of January 22, and August 21, 1942, I referred to the stipulations of Art. VI, of the Treaty of Friendship, Commerce and Consular Rights between Norway and the United States of America, signed in Washington on June 5, 1928,<sup>3</sup> which are in the opinion of my Government, inconsistent with the arrangement proposed by you.

The Norwegian Government do not, however, at the present time, wish to raise legal objections, based on treaty rights.

Consequently, the Norwegian Government are willing to participate in the scheme set forth in your note of March 31, 1942, supplemented by your note of October 6, 1942, and in so doing agree to the conditions stipulated in the note of March 31, 1942, full reciprocity on all points being assured by the United States Government.

Accept, Excellency, the renewed assurances of my highest consideration.

W. MORGENSTIERNE

His Excellency  
CORDELL HULL,  
*Secretary of State,*  
*Washington, D.C.*

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*The Secretary of State to the Norwegian Ambassador*

DEPARTMENT OF STATE  
WASHINGTON  
*January 16, 1943*

EXCELLENCY:

I have the honor to acknowledge the receipt of your note of December 23, 1942, with further reference to the Department's suggestion of March 31,

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<sup>3</sup> TS 852, *ante*, p. 484.

1942 that an arrangement be entered into between our respective Governments concerning the service of nationals of one country in the armed forces of the other country. You state that your Government is willing to participate in the proposal set forth in the Department's notes of March 31, 1942 and October 6, 1942, and in so doing agrees to the conditions stipulated in the Department's note of March 31, 1942, full reciprocity on all points being assured by the United States Government.

I take pleasure in informing you that this Government now considers the agreement to have become effective, with respect to Norway, on December 24, 1942, the date on which your note under acknowledgement was received in the Department. I may assure you that full reciprocity will be accorded by this Government, and that the appropriate authorities of this Government will carry out the agreement in the spirit of full cooperation with your Government.

It is suggested that all the details incident to carrying out the arrangement be discussed directly by officers of the Embassy with the appropriate officers in the War Department and the Selective Service System. Lieutenant Colonel W. D. Partlow of the War Department and Major S. G. Parker of the Selective Service System will be available to discuss questions relating to the exercise of the option prior to induction. The Inter-Allied Personnel Board of the War Department, which is headed by Major General Guy V. Henry, is the agency with which questions relating to the discharge of non-declarant Norwegian nationals who may now be serving in the Army of the United States may be discussed.

Accept, Excellency, the renewed assurances of my highest consideration.

For the Secretary of State:

G. HOWLAND SHAW

His Excellency

WILHELM MUNTHE DE MORGENSTIERNE,  
*Ambassador of Norway.*